



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF PETITIONS FOR CHANGE IN POINTS OF DIVERSION, PLACE OF USE, AND PURPOSE OF USE; AND PETITION FOR EXTENSION OF TIME

PETITIONER: NELSON AND SONS, INC.

STREAM SYSTEM: (1) McNab Creek tributary to Russian River
(2) Russian River tributary to Pacific Ocean

COUNTY: Mendocino

- Petition to Change Application 29763 filed on June 15, 1990
- Petitions to Change Licenses 12648 and 12649 (Applications 17624 and 24139) issued June 12, 1990
- Petition to Change and Petition for Extension of Time for Permit 17331 (Application 24140) issued May 24, 1978

Notice is hereby given that the Nelson and Sons, Inc., filed numerous change petitions to integrate water use under its water right licenses, permit, and pending application. In order to provide greater flexibility in irrigation, the petitioner requests consolidation of the existing place of use in Licenses 12648, 12649 and Permit 17331 and that proposed in Application 29763. The petitions request the addition of points of diversion, expansion of the place of use, an addition to purpose of use, redistribution of storage, and an extension of time to apply water to beneficial use under its permit. Approval of the petitions shall not result in an increase in the amount of water allotted for diversion under the licenses and permit or as applied for in the original application. Summaries of the existing and proposed features of the licenses, permit, and pending application are provided below.

The State Water Resources Control Board (State Water Board) will determine whether an order approving the petitions should be issued and, if so, whether conditions are needed to protect the environment, the public interest, and downstream water users. This notice, procedures for protesting the petitions, and protest forms are available at the Division of Water Rights (Division) website: www.waterrights.ca.gov. Any correspondence directed to the petitioner should be mailed to:

Nelson and Sons, Inc.
c/o Wagner and Bonsignore
444 North Third Street, Suite 325
Sacramento, CA 95811-0238

California Environmental Protection Agency

A. Summary of License 12648 (Application 17624):

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of
 Diversion: SE¼ of NE¼ of Section 23, T14N, R12W, MDB&M
 Amount: 2.75 cubic feet per second (cfs), with a maximum annual diversion of 192 acre-
 feet (af) per year
 Season: May 1 to June 30
 Purpose: Irrigation
 Place of Use: Within the following area as shown on a map on file with the State Water Board.

¼ Section	Section	Township	Range	Base & Meridian	Acres
SW¼	27	14N	12W	MD	38
SE¼	27	14N	12W	MD	59
NE¼	27	14N	12W	MD	100
SE¼	22	14N	12W	MD	11
SW¼	23	14N	12W	MD	38
NW¼	26	14N	12W	MD	82
SW¼	26	14N	12W	MD	3
Total Acres					331

Summary of Proposed Changes to License 12648

The proposed place of use will be increased from 331 acres to 724 acres as shown on the following chart. The proposed location of the place of use is shown on a map on file with the State Water Board.

¼ Section	Section	Township	Range	Base & Meridian	Acres
SW¼	14	14N	12W	MD	11
SW¼	15	14N	12W	MD	10
SE¼	15	14N	12W	MD	94
NE¼	22	14N	12W	MD	35
SE¼	22	14N	12W	MD	28
NW¼	23	14N	12W	MD	74
NE¼	23	14N	12W	MD	5
SW¼	23	14N	12W	MD	90
SE¼	23	14N	12W	MD	3
NW¼	26	14N	12W	MD	122
SW¼	26	14N	12W	MD	9
NW¼	27	14N	12W	MD	1
NE¼	27	14N	12W	MD	134
NW¼	27	14N	12W	MD	5
SW¼	27	14N	12W	MD	40
SE¼	27	14N	12W	MD	53
SW¼	27	14N	12W	MD	10
Total Acres					724

B. Summary of License 12649 (Application 24139):

County: Mendocino
 Source: McNab Creek tributary to Russian River tributary to Pacific Ocean
 Point of Diversion: SE¼ of NE¼ of projected Section 27, T14N, R12W, MDB&M
 Amount: 50 af per year, including 22 af for replenishment of initial storage withdrawn for beneficial use. The maximum withdrawal in any one year shall not exceed 50 af. Maximum rate of diversion to offstream storage shall not exceed 4.66 cfs.
 Season: November 15 of each year to May 31 of the succeeding year

Purpose: Irrigation and Frost Protection
 Place of Use: At the reservoir within the SE¼ of NE¼ of projected Section 27, T14N, R12W, MDB&M and 331 acres as listed in the chart above for License 12649 and as shown on a map on file with the State Water Board.

Summary of Proposed Changes to License 12649

The proposed place of use will be increased from 331 acres to 724 acres, as shown above for License 12648. The proposed location of the place of use is shown on a map on file with the State Water Board.

C. Summary of Permit 17331 (Application 24140)

County: Mendocino
 Source: Russian River tributary to Pacific Ocean
 Point of Diversion: SE¼ of NE¼ of projected Section 23, T14N, R12W, MDB&M
 Amount and Season: *Direct Diversion* – 42 cfs from March 1 to May 31 and September 15 to November 15
Storage – 50 af per year from November 1 of each year to July 1 of the succeeding year
 Total amount of water to be taken from the source shall not exceed 600 af per water year. Maximum rate of diversion to offstream storage shall not exceed 5 cfs.
 Purpose: Frost Protection
 Place of Use:

¼ or ½ Section	Section	Township	Range	Base & Meridian	Acres
E½	22	14N	12W	MD	33
W½	23	14N	12W	MD	67
W½	26	14N	12W	MD	85
NE¼, SE¼, SW¼	27	14N	12W	MD	197
Total Acres					382

Summary of Proposed Changes to Permit 17331

- Petition proposes to increase the place of use from 382 acres to 724 acres, the same proposed place of use shown above for License 12648. The proposed location of the place of use is shown on a map on file with the State Water Board.

2. Petitioner proposes to transfer 50 af of storage from McNab reservoir to proposed pit-type Reservoir C, located in SE¼ of the NW¼ of Section 26, T14N, R12W, that has a 50-af capacity. McNab reservoir stores 50 af of water under License 12649.
3. Petitioner proposes to add irrigation use to the permit.
4. Petitioner requests a 10-year extension of time to apply water to beneficial use. The current development period for Permit 17331 expired December 31, 2003.

D. Summary of Application 29763

County: Mendocino
 Source: (1) Two Unnamed Streams tributary to McNab Creek thence Russian River
 (2) Russian River tributary to Pacific Ocean

Point of
 Diversion: (1) NE¼ of NW¼ of projected Section 27, T14N, R12W, MDB&M
 (2) NE¼ of NE¼ of projected Section 22, T14N, R12W, MDB&M
 (3) SE¼ of NE¼ of projected Section 23, T14N, R12W, MDB&M

Amount: 139 af per year. Total amount of water to be taken in any one year not to exceed 139 afa. Maximum rate of diversion to offstream as follows:
 (1) POD 1 to Reservoir 1 not to exceed 3.6 cfs
 (2) POD 2 to Reservoir 2 not to exceed 3.6 cfs
 (3) POD 3 to Reservoir 2 not to exceed 1300 gallons per minute

Season: November 1 of each year to April 30 of the succeeding year
 Purpose: Irrigation, Heat Control, Stockwatering, Recreation and Frost Protection
 Place of Use: 595 acres within a gross of 612 acres located as follows:

Section	Township	Range	Base & Meridia	Acres
15	14N	12W	MD	54
22	14N	12W	MD	52
23	14N	12W	MD	147
26	14N	12W	MD	138
27	14N	12W	MD	221
Total Acres				612

Summary of Proposed Changes to Application 29763

1. Petition proposes to increase the place of use from 612 acres to 724 acres, the same proposed place of use shown above for License 12648. The proposed location of the place of use is shown on a map on file with the State Water Board.
2. Petitioner proposes to redistribute storage from existing offstream McNab reservoir and two proposed reservoirs No. 1 and No. 2 to offstream reservoirs A, B and C. McNab reservoir stores 50 af of water under License 12649. Offstream existing reservoir A has a capacity of 50 af. Proposed offstream, pit-type reservoirs B and C will also have capacities of 50 af.
3. Petitioner proposes the following points of diversion as shown on a map on file with the State Water Board:

Map Point	Description (all within California Coordinate System, NAD 1927, Zone 2)
1	Point of Diversion to Offstream Storage in Offstream Reservoirs B and C: Located N 505,925 and E 1,672,050, being within NE¼ of NE¼ of proj. Section 26, T14N, R12W, MDB&M
2a	Point of Diversion to Offstream Storage in Offstream Reservoir A: Located N 509,075 and E 1,671,700, being within SW¼ of NW¼ of proj. Section 23, T14N, R12W, MDB&M
2b	Point of Diversion to Offstream Storage in Offstream Reservoir A: Located N 509,200 and E 1,671,900, being within SW¼ of NW¼ of proj. Section 23, T14N, R12W, MDB&M
2c	Point of Diversion to Offstream Storage in Offstream Reservoir A: Located N 508,975 and E 1,672,080, being within NW¼ of SW¼ of proj. Section 23, T14N, R12W, MDB&M
2e	Point of Diversion to Offstream Storage in Offstream Reservoir A: Located N 508,780 and E 1,672,300, being within NW¼ of SW¼ of proj. Section 23, T14N, R12W, MDB&M
2e	Point of Diversion to Offstream Storage in Offstream Reservoir A: Located N 508,480 and E 1,672,600, being within NW¼ of SW¼ of proj. Section 23, T14N, R12W, MDB&M
2f	Point of Diversion to Offstream Storage in Offstream Reservoir A: Located N 508,320 and E 1,673,000, being within NE¼ of SW¼ of proj. Section 23, T14N, R12W, MDB&M
3	Point of Diversion to Offstream Storage in Offstream Reservoirs A, B, and C: Located N 509,350 and E 1,675,280, being within SW¼ of NE¼ of proj. Section 23, T14N, R12W, MDB&M

The contact person for this matter is Luann Erickson at 916-341-5318, or by email at lerickson@waterboards.ca.gov.

Protests must be received by the Division of Water Rights by **4:30 p.m. on April 28, 2008**.

Date of Notice: March 27, 2008